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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,473	02/27/2004	John Ehrenreich	I3346.0022.NPUS01	8437
26720	7590	12/19/2005	EXAMINER	
LOCKE LIDDELL & SAPP LLP ATTN. DOCKETING 600 TRAVIS #3400 HOUSTON, TX 77002			KIANNI, KAVEH C	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,473	Applicant(s) EHRENREICH ET AL.	
	Examiner Kianni C. Kaveh	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election with traverse of claims 1-11 and 17-25 in response/amendment submitted on 10/11/05 is acknowledged. The traversal is on the ground(s) that at least search claim 1 is generic to all other inventions. The applicant does not provide specifics as how or on what basis claim 1 is generic to other inventions since claim 1 with respect to other cited inventions have at least one limitation that is not cited in other independent claims and visa versa—claim 1 is directed to including a latch pull movably engaged with the connector body; wherein moving the latch pull relative to the connector body unlocks the latch from the receptacle; while claim 12 is directed to a connector including a means for coupling the connector body with a receptacle by pushing the coupling means toward the receptacle; and while claim 13 is directed to a connector including a means for decoupling the connector body from a receptacle by pulling the decoupling means away from the receptacle. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al. (US 6224268).

Regarding claim 1, Manning teaches a connector, comprising: a connector body (see at least fig. 7-8, item 46b); a latch attached to the connector body (see fig. 7, item 20b), the latch being capable of coupling with a receptacle (see fig. 8, items coupled 20b and 46b; note that *it* has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138); and a latch pull movably engaged with the connector body (see at least fig. 8, item latch pull 26b); wherein moving the latch pull relative to the connector body unlocks the latch from the receptacle (see at least abstract and/or col. 9, 4th parag.).

However, Manning does not explicitly state that the above 'unlocks', related to unlocking of latch with respect to receptacle, is 'decouples'. It is obvious/well-known to those of ordinary skill in the art when the invention was made that unlocking of latch relative to a receptacle is decoupling of the latch relative to receptacle since such mechanism would provide enhanced mechanism to terminate a fiber optic cable (see col. 1, last parag.).

Regarding claims 2-11, Manning further teaches wherein the latch pull has a cavity capable of at least partially enclosing the latch (see at least fig. 3, item cavity of

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latch pull 80 enclosing latch) at least one inclined plane 104 that is slidable against the latch 102/100); wherein the latch pull is engaged with the connector body so as to allow the latch pull to slide over at least a portion of the connector body (shown in fig. 3/8, item slidable connector body verses the latch pull); wherein moving the latch pull relative to the connector body causes at least one inclined plane to slide against the latch, thus moving the latch to a position that unlocks the latch from the receptacle(see at least fig. 3 and 8, items slidable latch pull vs. receptacle and see abstract and col. 9, 2-4th parag.); wherein the latch further comprises at least one tab attached to at least one side of the latch (shown in at least fig. 3, item tab(s) around the latch beam); wherein moving the latch pull away from the receptacle causes at least one inclined plane to slide against at least one tab, thus moving the latch to a position that unlocks the latch from the receptacle (shown in at least fig. 3-4, item the end tab 102 of latch beam 74 slides through the inclination 104—while the receptacle 80 is pulled away—so as to decouple the latch pull from the receptacle 80); wherein the receptacle is designed to receive a conventional fiber optic connector (see at least abstract); wherein the latch comprises a cantilever beam 72); wherein the latch is attached to the connector body with a hinging mechanism 72 (see at least fig. 5, item 72a, also col. 10, 2nd parag.); a strain relief boot affixed to the latch pull (see item 38); wherein moving the strain relief boot relative to the connector body forces the latch into a position that unlocks the latch from the receptacle (shown in at least fig. 3, item the end tab 102 of latch beam 74 slides through the inclination 104—while the boot 38 can be pulled away—so as to decouple the latch pull from the receptacle 80).

Regarding claim 17, Manning teaches a connector (see at least fig. 8), comprising: a connector body (see fig. 8, item connector body); a latch pull movably engaged with the connector body (see item connector 24b movably engaged with latch pull 22b); and a latch attached to the latch pull (see item latch 20b is attached to latch pull 22b), the latch capable of coupling with a receptacle (see item latch 20b is coupling with receptacle 26b); wherein moving the latch pull toward the receptacle couples the latch with the receptacle (see at least fig. 7-8, by moving latch 20b toward the receptacle 26b they are being coupled, also see col. 8, last parag.-col. 9, 2nd parag.); and wherein moving the latch pull away from the receptacle unlocks the latch from the receptacle (see at least col. 9, 2-4th parag., also abstract).

Regarding claims 19, 21, 24, Manning further teaches wherein the connector body contains at least one inclined plane capable of moving the latch into a position that couples the latch with the receptacle as the latch pull is moved toward the receptacle (see at least fig. 3 and 4, item inclined plane 104 and slidable latch pull as moved toward the receptacle, see at least col. 6, 4th parag.); wherein moving the latch pull toward the receptacle causes at least one inclined plane to slide against at least one tab, thus moving the latch into a position that couples the latch with the receptacle (see at least fig. 3 and 4, item inclined plane 104 and slidable latch pull as moved toward the receptacle, see at least col. 6, 4th parag.); wherein the latch is attached to the latch pull with a hinge 72;

Regarding claims 18, 20, 22, 23 and 25. the arguments presented in rejection of claims 3, 5, 6, 8 and 10 are analogous in rejection of claims 18, 20, 22, 23 and 25.

The applicant is advised to appropriately narrow the scope of the invention in order to allow the case.

Citation of Relevant Prior Art

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

6076974 Carlisle et al.

6024498 A Carlisle; Arthur Wallace et al.

5638474 A Lampert; Norman R. et al.

6491542 Zerebilov

Myer et al. 6422887

Kozuka et al. 4989622

Kinkade et al. 3796987

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

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The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.



K. Cyrus Kianni
Primary Patent Examiner
Group Art Unit 2883

**KAVEH KIANNI
PRIMARY EXAMINER**

December 14, 2005\
